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June 21, 2021

VIA ECF

Honorable Ronnie Abrams
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

RE: *Y.S., individually and on behalf of D.F., v. N.Y.C. Dep't of Educ.,*
1:21-cv-02159-RA

Dear Judge Abrams,

I am the attorney for the Plaintiffs in the above-referenced action, wherein Plaintiff seeks attorneys' fees incurred in the administrative proceeding under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.*, as well as the instant federal action, and a claim for implementation of relief awarded to Plaintiff as a result of the administrative proceeding.

I write jointly with Defendant's counsel in order to propose a briefing schedule pursuant to the Court's Order issued on June 7, 2021 [ECF 12]. There is no need for discovery on this matter and an initial pretrial conference is not needed. The parties have made significant progress towards resolving the implementation issue, the Plaintiffs have provided all billing invoices to facilitate settlement negotiations, and the parties remain optimistic that this matter will be resolved through settlement. The parties jointly propose that the Court forgo the initial pretrial conference and propose the following briefing schedule:

- Plaintiff's motion¹ will be due on October 7, 2021.
- Defendant's opposition will be due on November 4, 2021.
- Plaintiff's reply will be due on November 16, 2021.

¹ Regardless of whether the motion is labeled a motion for fees or summary judgment, it is Defendant's position that a Rule 56.1 statement is not necessary. In contrast, it is Plaintiffs' position that such a statement is necessary. As the parties remain optimistic that the matter will settle without motion practice, we do not believe this dispute should be addressed at this time.

The briefing schedule proposed above will afford the parties additional time to continue ongoing settlement negotiations and resolve the issue of implementation.

At this time, the parties do not believe that referral of this matter to the Magistrate Judge for a settlement conference would be beneficial. However, in the event the parties reach a point where they agree that such a conference may aid and advance settlement, the parties will submit a letter to the Court requesting that the matter be referred to the Magistrate Judge for a settlement conference.

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

s/ Erin E. Murray _____

cc: Sharon Sprayregen (via ECF)
 Attorney for the Defendant

Application granted.

SO ORDERED.



Hon. Ronnie Abrams
June 22, 2021